

GARDNER CITY COUNCIL

Agenda

City Hall – 120 East Main Street- Gardner, Kansas

Date: Monday, May 18, 2009

Time: 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

1. Join with the Mayor in proclaiming the week of May 17-23, 2009, as National Public Works Week.

Background/Description of Item:The Mayor will present a proclamation honoring National Public Works Week.**Staff Recommendation:**Join with the Mayor in proclaiming May 17-23, 2009, as National Public Works Week.

PUBLIC COMMENTS

Members of the public are welcome to use this time to make comments about City matters or items on the agenda that are not part of a public hearing.

CONSENT AGENDA

1. Standing approval of the minutes as written for the meeting on May 4, 2009.
2. Standing approval of the expenditures prepared on April 30 and May 1, 2009 in the amount of \$327,511.553.
3. Consider accepting and authorizing payment for a temporary construction easement and a permanent utility easement for the 2007 Waterline Replacement Project, PW0616.

Background/Description of Item:The City's agent for land acquisition, The Land Company, has been in negotiations with property owners for rights-of-way and easements required for the construction of the 2007 Waterline Replacement Project. A settlement has been agreed upon with the following property owner in lieu of continuing with the pending eminent domain action:Christopher J. Hess (Tract 15)

\$2,825.00

Temporary Construction Easement	561 Sq. Ft.
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Permanent Waterline Easement	587 Sq. Ft.
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The payment for these easements will be funded from the 2007 Waterline Replacement Project, PW0616.**Staff Recommendation:**

Accept a temporary construction easement and a permanent utility easement and authorize a payment of \$2,825.00 to Christopher J. Hess for the 2007 Waterline Replacement Project, PW0616.

OLD BUSINESS

1. Consider approving the appointment of _____ to the Gardner City Council.

Background/Description of Item: David Drovetta was elected Mayor in the April 7, 2009 General Election. His Councilmember seat became vacant with the elevation to Mayor. Drovetta presented his appointment of Dennis Pugh for the vacant Councilmember seat on April 4, 2009. This item was tabled by Council to the May 18, 2009 meeting. In the meantime, Pugh removed his name for consideration. Mayor Drovetta will be presenting an appointment to the City Council to approve at this meeting. Due to



interviews being conducted through the weekend, a name is not available for the publishing of this CAF.
Mayor's Recommendation: Approve the appointment of _____ to the Gardner City Council.

2. Consider adopting a Resolution Amending Section 5-503 Uniforms and Safety Equipment of the City of Gardner Personnel Policies and Procedures.

Background/Description of Item:The City of Gardner Personnel Policies and Procedures Manual adopted in 2004 addresses provision of uniforms and safety equipment for personnel. However, the administration of this section of the policy manual has not been easy to administer due to the vague language. This new resolution will update that language to reflect the desired new parameters for purchase of uniforms for City employees, excluding Public Safety, Electric and Seasonal staff. Currently, the policy is inconsistently applied between departments. There is no designation of vendors, or bidding for clothing vendors, nor is anyone specifically responsible for monitoring purchases. Staff has found that not all rules for purchases meet current IRS 515 taxable fringe benefit rules. The major change with the new policy is that the purchase of jeans will no longer be done by employees on city time and reimbursed, but changed to an annual payroll allowance that will meet the IRS 515 guidelines. Council discussion in work session has covered various options. What is being presented in this policy is a \$150.00 payroll allowance for jeans that will phase out over three years. Identified employees will receive a \$150.00 payroll allowance year one (2009), \$120.00 payroll roll allowance year two (2010), \$90.00 payroll allowance year three (2011), and no allowance year four (2012). In addition, the position's that must wear uniforms is identified, as well as establishing guidelines on wearing of uniforms and the replacement of uniforms.**Staff Recommendation:** Adopt Resolution ____ Amending Section 5-503 Uniforms and Safety Equipment of the City of Gardner Personnel Policies and Procedures.

3. Consider the approval of the amended April 20, 2009 Gardner City Council Meeting Minutes.

Background/Description of Item:At the May 4, 2009 Gardner City Council Meeting, Councilmember Peters requested that an amendment be made to the April 20, 2009 Gardner City Council Minutes. Peters stated that she understood that motions that are made without any action are not reflected in minutes but requested that the changes below be made. Peters motioned to table the minutes to the May 18, 2009 City Council meeting. The motion was seconded and passed unanimously. Peters provided the City Clerk with the amendments that she would like to see reflected in the April 20, 2009 Minutes on May 5, 2009. The first paragraph is the information that was recorded in the original April 20, 2009 Minutes. The second paragraph is the amended information with Peter's amendments in bold. The first sentence in the second paragraph also reflects a change made by Anderson to clarify "began to present" from "presented."

Original Appointment of Dennis Pugh to Council Drovetta presented his appointment of Dennis Pugh to Council. Peters called for an immediate organizational motion. Drovetta rejected the motion as being improper and out of order. Shepherd called for the question and a discussion of parliamentary procedure ensued. There was a short recess while Drovetta consulted with Hubbard. Drovetta noted objections and stated it is important to recognize that the public was noticed about the agenda of this meeting and by adding items at the last minute prevents adequate notice Councilmember Peters made a motion to table this item until the May 18, 2009 Gardner City Council Meeting. Councilmember Shepherd seconded the motion. Winters voted No. All other Councilmembers voted Aye. With a majority of the members voting in favor of the motion, the motion carried.**Amended Appointment of Dennis Pugh to Council** Drovetta began to present his appointment of Dennis Pugh and Peters called for an immediate organization motion. Motion was seconded by Dan Thompson. Drovetta rejected the motion as being improper and out of order. Shepherd called for the question. Shepherd called for the question again. Peters called for Point of Order – question non-debatable. Shepherd called for Point of Order – question non-debatable. Shepherd noted that a motion and a second were on the floor. Peters made a motion to appeal the Mayor's decision. There was a short recess while Drovetta consulted with Hubbard. Peters made a second motion to appeal the Mayor's decision and asked for a vote. Drovetta continued with his presentation of his appointment of Dennis Pugh to the Council. During the presentation, Shepherd made a motion to adjourn and it was seconded by Peters. Drovetta noted objections and stated it is important to recognize that the public was noticed about the agenda of this meeting and by adding items at the last minute prevents adequate notice Councilmember Peters made a motion to table this item until the May 18, 2009 Gardner City Council Meeting. Councilmember Shepherd seconded the motion. Winters voted No. All other Councilmembers voted Aye. With a majority of the members voting in favor of the motion, the motion carried.**Staff's Recommendation:** Approve the amended April 20, 2009 Gardner City Council Minutes.

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NEW BUSINESS

1. Hold a public hearing for the purpose of receiving comments on the City's proposed project application for the 2010 Community Development Block Grant program.

Background/Description of Item: Community Development Block Grant guidelines suggest that the City hold two public hearings prior to submitting the City's grant application for 2010 funding. The first public hearing is to solicit project ideas. The second public hearing is for discussion of the City's proposed application. Council and staff discussed possible projects to be considered for the 2010 application at the April 13th Work Session. By consensus, Council selected the following projects as good candidates for the City's application:

- Pavement and Curb Rehabilitation, Elm Street (Main to Warren Streets)
- Storm Drainage Improvements, Parma Subdivision (801 to 837 Valerie Lane)

The first public hearing was advertised in the Gardner News on April 3, 2009, and held on April 20, 2009. Staff also hand delivered notices regarding this hearing to properties that are adjacent to the two projects on April 15, 2009. In addition to these projects, citizens were invited to recommend other projects for consideration at the public hearing. Two citizens provided comments at the first public hearing. One business owner spoke in favor of the Elm Street project and one citizen spoke in favor of the Parma drainage project. There were also three other Parma residents in the audience who did not comment, but were there in support of the Parma storm drainage project. The purpose of this second hearing is to solicit comments on staff's recommendation to apply for CDBG funding for the Parma storm drainage improvements project. A notice for this hearing was published in the Gardner News on May 13, 2009, and was placed on the City website. **Staff Recommendation:** Hold a public hearing for the purpose of receiving comments on the City's proposed application for the 2010 Community Development Block Grant program.

2. Consider authorizing the Mayor to execute the 2010 Community Development Block Grant Application.

Background/Description of Item: Community Development Block Grant (CDBG) guidelines suggest that the City hold two public hearings prior to submitting the City's grant application. The first public hearing was held on April 20, 2009, and two citizens provided comments. One business owner spoke in support of the Elm Street Pavement and Curb Rehabilitation project and one resident spoke in favor of the Parma Subdivision Storm Drainage Improvements project. Additionally, a neighborhood meeting was conducted by City staff with Parma residents on May 7, 2009, to evaluate whether there was support for the project. Eleven residents attended and all voiced their support for completing this project. The second public hearing is scheduled on May 18, 2009, prior to discussion of this agenda item. The purpose of this public hearing is to take comments on the City's proposed CDBG application for 2010. This hearing was advertised in the May 13, 2009, Gardner News and on the City's website.

The estimated cost for the Parma Subdivision (801 to 837 Valerie Lane) Storm Drainage Improvements project is:

Construction	\$140,000
Engineering	20,000
Land Acquisition	30,000
Contingency	<u>40,000</u>
	\$230,000

The conceptual engineering design includes installation of approximately 750 lineal feet of 15-inch and 18-inch pipe with a series of area inlets located at low points within rear yards. Final location of the area inlets will be dependent upon a survey and coordination with the property owners to eliminate as many conflicts as possible with existing sheds, trees, utilities, etc. Staff will attempt to design the sewer installation within the existing utility easement; however, additional easements may be necessary depending upon conflicts with utilities, trees, etc.



If approved by Council, the City's grant application would request \$100,000 as part of the county's 2010 CDBG program. The balance of the project cost, \$100,000 - \$130,000, must be funded from the City's Capital Improvement Program fund in 2010. The application is due by May 29, 2009. The county's CDBG Committee will review applications and interview applicants in July. A decision regarding recommended projects will be made in late July or early August. Staff suggests proceeding with design this year and proposes a discussion of this issue at a future Council Work Session. **Staff Recommendation:** Authorize the Mayor to execute the 2010 Community Development Block Grant Application for the Storm Drainage Improvements Project, Parma Subdivision (801 to 837 Valerie Lane).

3. Consider passing an ordinance vacating a portion of a public alley in the City of Gardner, Kansas, and repealing Ordinance Number 1873 in its entirety.

Background/Description of Item: In 1996, First Kansas Bank received the City's approval to relocate its drive up windows into the alley located south of its bank building at Center and Main Streets. This site plan required the vacation of the portion of the alley that is located adjacent to the bank property. Council approved Ordinance No. 1838 vacating this portion of the alley on June 3, 1996. An error was found in the land description included in Ordinance No. 1838. To correct this error, Council approved Ordinance No. 1873 on March 3, 1997.

While working with Patriot's Bank on a parking lot issue, Community Development staff found that the description contained in Ordinance No. 1873 had two errors:

- The description did not identify the block in which the vacated alley was located. As described, the alley could either be north of Main Street or south of Main Street.
- The lots involved in the vacation were incorrect. The drawing included with the Council Action Form for Ordinance No. 1838 incorrectly labeled the lots.

Approval of this ordinance will correct these errors and will allow the county to properly map the vacated portion of alley. **Staff Recommendation:** Pass Ordinance No. ____ vacating a portion of a public alley in the City of Gardner, Kansas, and repealing Ordinance Number 1873 in its entirety.

4. Consider passing an ordinance authorizing the execution of a loan agreement between the City of Gardner, Kansas and the State of Kansas, acting by and through the Kansas Department of Transportation for the purpose of obtaining a loan from the Kansas Transportation Revolving Fund. (Loan No. TR-0101 – East Santa Fe relocation project)

Background/Description of Item: On May 3, 2004, Council awarded a contract to Olsson and Associates, LLC for engineering services for the Moonlight Road improvement project from Warren Street to 166th Street. Briefly, these improvements include:

- Moonlight Road to be widened to City standard, 4 lane arterial from approximately Warren to 166th Street with turning lanes at the street intersections, 2 foot curb and gutter, 10 ft pedestrian/bike trail and including storm drainage improvements and street lighting.
- East Santa Fe will be redirected to Conestoga Drive where a new 28 foot back to back curb and gutter street will be constructed connecting to Moonlight Road. The new road will be approximately 1,150 linear feet of asphalt with ditches, storm drainage improvements, and driveway construction.
- The Main and Moonlight intersection project consists of upgrading the street to a 52 foot back to back curb and gutter section that will be used to carry traffic from the commercial business area to Main Street.
- Lincoln Lane will be upgraded to a 40 foot back to back curb and gutter street from Moonlight to Cedar.

When staff first applied to the Kansas Department of Transportation for possible revolving loans for this project, KDOT explained that their loan requirements necessitate that all projects be completed within 2-year time spans. Due to this 2-year completion requirement, the overall "Moonlight and Main Improvements" project has been divided into five components for loan funding compliance. These components consist of design, North Moonlight, Main and Moonlight intersection, East Santa Fe relocation, and Lincoln Lane. The City was previously approved for KDOT revolving loans for the design and Lincoln Lane components of the project:

- Design - \$692,706
- Lincoln Lane - \$2,003,593

KDOT approved this loan for \$1,411,000 for the East Santa Fe relocation portion of the project. As the project progresses, staff plans to apply for further revolving loans from KDOT to pay for the remaining components mentioned. In order to formally enter into the loan agreement to pay for the East Santa Fe relocation portion of the project, Council should pass this Ordinance. **Staff Recommendation:** Pass Ordinance No. ____ authorizing the execution of a loan agreement between the City of Gardner, Kansas

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and the State of Kansas, acting by and through the Kansas Department of Transportation for the purpose of obtaining a loan from the Kansas Transportation Revolving Fund. (Loan No. TR-0101 – East Santa Fe relocation project)

5. Consider passing an ordinance authorizing the execution of a loan agreement between the City of Gardner, Kansas and the State of Kansas, acting by and through the Kansas Department of Transportation for the purpose of obtaining a loan from the Kansas Transportation Revolving Fund. (Loan No. TR-0106 – 166th to Warren and Main and Moonlight intersection)

Background/Description of Item: On May 3, 2004, Council awarded a contract to Olsson and Associates, LLC for engineering services for the Moonlight Road improvement project from Warren Street to 166th Street. Briefly, these improvements include:

- Moonlight Road to be widened to City standard, 4 lane arterial from approximately Warren to 166th Street with turning lanes at the street intersections, 2 foot curb and gutter, 10 ft pedestrian/bike trail and including storm drainage improvements and street lighting.
- East Santa Fe will be redirected to Conestoga Drive where a new 28 foot back to back curb and gutter street will be constructed connecting to Moonlight Road. The new road will be approximately 1,150 linear feet of asphalt with ditches, storm drainage improvements and driveway construction.
- The Main and Moonlight intersection project consists of upgrading the street to a 52 foot back to back curb and gutter section that will be used to carry traffic from the commercial business area to Main Street.
- Lincoln Lane will be upgraded to a 40 foot back to back curb and gutter street from Moonlight to Cedar.

When staff first applied to the Kansas Department of Transportation for possible revolving loans for this project, KDOT explained that their loan requirements necessitate that all projects be completed within 2-year time spans. Due to this 2-year completion requirement, the overall "Moonlight and Main Improvements" project has been divided into five components for loan funding compliance. These components consist of design, North Moonlight, Main and Moonlight intersection, East Santa Fe relocation, and Lincoln Lane. The City was previously approved for KDOT revolving loans for the design and Lincoln Lane components of the project:

- Design - \$692,706
- Lincoln Lane - \$2,003,593
- East Santa Fe relocation - \$1,411,000 on May 18, 2009

KDOT's loan requirements also limit the total aggregate amount that can be borrowed during the State's fiscal year (July 1 to June 30) to a maximum of \$6 million. As KDOT has approved both this loan and the East Santa Fe relocation loan during the same State fiscal year, the maximum amount that can be borrowed for the "Moonlight Road - 166th to Warren" and "Main and Moonlight intersection" projects (a portion of each is combined on this loan) is \$4,589,000. As the project progresses, staff plans to borrow the approximate remaining balance of \$2,086,848 after July 1, 2009, which is the State's next fiscal year. That should conclude the borrowing for the overall "Moonlight Road improvement project" for all 5 components. As previously mentioned, KDOT approved this loan for \$4,589,000 for a portion of a combination of both "Moonlight Road - 166th to Warren" and "Main and Moonlight intersection" components of the project. In order to formally enter into the loan agreement to pay for a portion of the 2 projects, Council should pass this Ordinance. **Staff Recommendation:** Pass Ordinance No. ____ authorizing the execution of a loan agreement between the City of Gardner, Kansas and the State of Kansas, acting by and through the Kansas Department of Transportation for the purpose of obtaining a loan from the Kansas Transportation Revolving Fund. (Loan No. TR-0106 – 166th to Warren and Main and Moonlight intersection)



6. Consider authorizing an Agreement between Johnson County Med-Act and the City of Gardner to provide type II Medical Transport services, yearly training for public safety officers and an Infectious Disease Program.

Background/Description of Item:The Director of Med-Act and I have worked over the past months to develop an agreement that would replace the present agreement that is now in place. This agreement provides for Med-Act to work from Station #2 and puts a transport unit there. This agreement also saves the City \$4,400 from the previous agreement in training hour costs. All other elements of the agreement are the same as is contained in the existing agreements. **Staff Recommendation:**Approve the agreement between Johnson County Med-Act and the City of Gardner for Type II transport of patients, training for public safety personnel and Infectious Disease Control Programs.

7. Consider the approval of the MPR health and dental premiums for the 2009-2010 plan year and establish the City's share of the premiums.

Background/Description of Item:The City's health insurance is provided through MPR, a self-insured governmental pool. The plan year begins in July and runs through June of next year. Last year the premiums increased from 7.8% to 13% for the different health plans. In the upcoming year the increases range from -1% to 14%, but with this year it is the HMO plan that is increasing more than the others. There is no increase to the dental premiums and the City provides no funding for Dental. Health insurance, more than any other benefit, continues to be a major factor in recruiting employees and it is critical that the City remain competitive in the level of benefits provided. The City's contribution toward individual coverage has been 95% of the least expensive individual plan premium and 85% of the least expensive of either the Tier 2 and Family plan premiums. This method would put the City's share higher than what was budgeted and so the recommended amount is 90% and 80% of the least expensive plans. Based on the current 106 enrolled employees, last year's rates would cost the City \$690,000 and the projected rate increases the amount to \$750,000 or 9%. See the attached for the multi-year comparison of premiums, city and employee shares. **Staff Recommendation:**Approve the MPR health and dental premiums for the 2009-2010 plan year and establish the City's share of the premiums at \$315 for employee (single) coverage, \$650 for employee plus spouse OR children coverage (2nd Tier), and \$740 for employee plus spouse AND children (family) coverage.

8. Consider authorizing the City Administrator to execute a contract with the ETC Institute for the 2009 Citizen Survey.

Background/Description of Item:The City of Gardner is a charter member of the ETC Institute, which conducts citizen satisfaction surveys for communities and other groups across the nation. Gardner has conducted this survey every two years since 1999 and used it to help set priorities for meeting the community's needs. Staff recommends that work begin on the 2009 Citizen Satisfaction Survey so that results may be available to Council no later than July, 2009. ETC has continued to provide Gardner discounted pricing as a charter member, as long as it conducts the survey every two years. Chris Tatham of the ETC Institute presented information on the survey at the City Council Work Session on May 11, 2009.

The cost break down the following way:

	Gardner	Non-Charter
Survey Design	\$1,000	1,750
Sample Selection	500	1,700
Administer Survey (5-6 pages)	6,400	9,520
Crosstabs for Key Demo Groups	750	1,700
Formal Report	500	1,750
Onsite visits	free	1,750
Importance/Priorities Analysis	free	2,400
GIS mapping	750	2,400
	<u>\$9,900</u>	<u>22,970</u>

Budgeted amount \$9,000

Staff Recommendation:Authorize the City Administrator to execute a contract with ETC Institute for the 2009 Citizen Survey in an amount not to exceed \$9,900.

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9. Consider holding an executive session for the purpose of consultation with the City Attorney on matters that are deemed privileged in an attorney-client relationship.

Background/Description of Item: In order to discuss matters that are deemed privileged in an attorney-client relationship, regarding pending litigation, the City Administrator is requesting a closed executive session. **Staff Recommendation:** Hold an executive session for the purpose of consultation with the City Attorney on matters that are deemed privileged in an attorney-client relationship regarding pending litigation beginning at _____. Normal session will resume in the Council Chambers at _____.

ADJOURNMENT

